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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LEYSON, JOSEPH S	

ART UNIT	PAPER NUMBER
1791	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,917	ZIKELI ET AL.	
	Examiner	Art Unit	
	JOSEPH LEYSON	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-21 and 24-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-21 and 24-26* is/are rejected.

7)☒ Claim(s) *21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/27/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 29, 2009 has been entered.

Claim Objections

2. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 4, upon which claim 21 is dependent, already recites that the cooling gas stream is designed as a turbulent air flow in the area where the continuously molded bodies are passed through the air gap, as recited by claim 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3-10, 12-14, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/21758 in view of Haynes et al. (US 6,117,379).

WO 96/21758 discloses an apparatus for producing continuously molded bodies from a molding material, such as a spinning solution containing cellulose, water and tertiary amine oxide, comprising a multitude of extrusion orifices, in a spinneret 2, through which during operation the molding material can be extruded into continuously molded bodies 4, a precipitation bath 5 and an air gap 3 arranged between the extrusion orifices and the precipitation bath 5, and a blowing means 7 for producing a cooling gas stream, the continuously molded bodies 5 being passed during operation in successive order through the air gap 3 and the precipitation bath 5, and the cooling gas stream being directed in the area of the air gap 3 to the continuously molded bodies 5. Note that the depth of cooling gas stream is 3 to 10 mm (i.e., claim 4), whereas the depth of the air gap is 10-160 mm (i.e., claim 2). Therefore, the air gap between the extrusion orifices and the cooling gas stream forms a first shielding zone, and the air

gap between the cooling gas stream and the bath form a second shielding zone. As shown in the figure, the air gap defines a cooling area between the blowing nozzles 7, 10 and the suction nozzles 8, 11, a first shielding area above the cooling area and a second shielding area below the cooling area; and a boundary area facing the extrusion orifices and located between the cooling area and the first shielding zone extends substantially in parallel with a plane in which the extrusion orifices are positioned on average. The cooling gas stream flows substantially in parallel with a plane in which the extrusion orifices are positioned on average (i.e., p. 3, lines 2-8). The cooling stream is substantially transverse to the direction of travel of the filaments (i.e., p. 3, lines 3-8). The cooling gas stream has a velocity in the direction of flow of the gas (p. 3, lines 2-19). As to any claimed apparatus dimensions not disclosed by WO 96/21758, where the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device is not patentably distinct from the prior art device, In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). As to the cooling gas stream velocity and/or blowing force, as recited by the instant claims, WO 96/21758 discloses that suitable velocities (as well as blowing force which is directly related to the velocities) can be determined in any particular case by simple trial (p. 3, lines 2-19). The molding material has a temperature in the range of 80 to 125°C (i.e., p. 6, lines 1-4; the extrusion orifices would have the same range).

However, WO 96/21758 does not disclose the cooling gas stream being turbulent at least at the exit from the blowing means.

Haynes et al. (US 6,117,379) discloses that it is well known and conventional in the art to provide turbulent quench (cooling) gas streams to extruded filaments, so long as the filaments are not unduly disturbed or broken (i.e., col. 1, lines 6-67). Haynes et al. (US 6,117,379) also discloses placing a bar arrangement 10 at an exit to a blowing means (i.e., col. 6, lines 51-67) to increase the turbulence at the exit from the blowing means which flows across layers (rows) of filaments of the so as to increase the heat transfer rate without unduly disturbing or breaking the filaments (i.e., col. 1, lines 54-67; col. 4, line 66, to col. 5, line 22).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of WO 96/21758 such that the cooling gas stream is turbulent at the exit from the blowing means, with a reasonable expectation of success, because it is well known and conventional in the art to provide turbulent cooling gas flow across the filaments (or across the rows of filaments) to cool the filaments so long as the filaments are not unduly disturbed or broken, as disclosed by Haynes et al. (US 6,117,379) and/or because turbulent flow would provide improved gas quenching, over laminar flow, by achieving better heat transfer between the filaments and gas, and by better penetration of the filament groups and bundles by the gas flow, so that the inner layers of filaments are more easily and quickly reached by the gas, as disclosed by Haynes et al. (US 6,117,379: col. 1, lines 40-67). As to the characteristics of the cooling gas flow, such as the Reynolds number, velocity, width,

specific blowing force, distance of the cooling area from the extrusion orifice in the direction of passage of the filaments, the distance I (instant claim 25) and the height L (instant claim 26), as respectively recited by the instant claims, such characteristics would have been found due to routine experimentation in finding optimum or operable characteristics of the cooling gas flow relative to other process and apparatus parameters, such as material to be extruded, number of extrusion holes, etc., in view of the teachings of WO 96/21758 and Haynes et al. (US 6,117,379).

6. Claims 11, 15, 16, 18, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/21758 in view of Haynes et al. (US 6,117,379) as applied to claims 1, 3-10, 12-14, 21 and 24 above, and further in view of White et al. (US 5,639,484).

White et al. (US 5,639,484) discloses an apparatus (i.e., fig. 7) including a spinneret 124 with extrusion orifices forming filaments 125, and a blowing means 121 producing a cooling gas stream, the orifices being arranged on a substantially rectangular base in rows in a direction transverse to the direction of the cooling gas stream (i.e., fig. 7), wherein the number of the extrusion orifices in row direction is greater than in the cooling gas stream direction (i.e., fig. 7), wherein the width (D) of the cooling gas stream in a direction transverse to the direction of the passage of the filaments through the air gap is larger that the height (B) of the cooling gas stream in the direction of passage (i.e., fig. 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the apparatus with the spinneret and blowing

means of White et al. (US 5,639,484) because such a modification would provide an art recognized alternative configuration for the spinneret and blowing means, as disclosed by White et al. (US 5,639,484), to produce rows of filaments followed by cross draft cooling.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/21758 in view of Haynes et al. (US 6,117,379) as applied to claims 1, 3-10, 12-14, 21 and 24 above, and further in view of Patel (US 3,932,576).

Patel (US 3,932,576) discloses a precipitation bath 16 having disposed therein a deflector 30 by which during operation filaments 22 are deflected as a substantially planar curtain to the precipitation bath surface (i.e., figs. 1 and 2), and, outside of the precipitation bath 16, a bundling means 23, 25 is provided by which during operation the filaments 22 are united to form a fiber bundle.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the apparatus with the deflector and bundling means of Patel (US 3,932,576) because such a modification would provide an art recognized alternative means for collecting the filament product, as disclosed by Patel (US 3,932,576).

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/21758 in view of Haynes et al. (US 6,117,379) as applied to claims 1, 3-10, 12-14, 21 and 24 above, and further in view of Nichols et al. (US 4,033,742).

Nichols et al. (US 4,033,742) disclose a blowing means including nozzles 6 producing a plurality of individual cooling gas streams arranged side by side in row

direction of extrusion orifices enabling cooling across the width of a spinneret (i.e., figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the apparatus with a plurality of individual cooling gas streams arranged side by side in a row direction of the extrusion orifices because such a modification is well known and conventional in the art and would provide an art recognized alternative configuration for the blowing means which enables cooling across the width of the spinneret, as disclosed by Nichols et al. (US 4,033,742).

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1, 3-21 and 24-26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 7,364,681 in view of Haynes et al. (US 6,117,379).

Claims 1-24 of U.S. Patent No. 7,364,681 disclose the apparatus, substantially as claimed, except for a blowing means for producing the cooling gas stream. Haynes et al. (US 6,117,379) is applied as above. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of claims 1-24 of U.S. Patent No. 7,364,681 such that the cooling gas stream is produced by blowing means because such a modification is well known and conventional in the art, as disclosed by Haynes et al. (US 6,117,379). As to the characteristics of the cooling gas flow, not disclosed by claims 1-24 of U.S. Patent No. 7,364,681, such as the Reynolds number, velocity, width, specific blowing force, and distance of the cooling area from the extrusion orifice in the direction of passage of the filaments, as respectively recited by the instant claims, such characteristics would have been found due to routine experimentation in finding optimum or operable characteristics of the turbulent cooling gas flow relative to other process and apparatus parameters, such as material to be extruded, number of extrusion holes, etc., in view of the teachings of claims 1-24 of U.S. Patent No. 7,364,681 which discloses that turbulent flow is desired. Furthermore, where the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device is not patentably distinct from the prior art device, In Gardner v. TEC Systems,

Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

Response to Arguments

11. Applicant's arguments with respect to the instant claims have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that WO '768 does not teach a velocity of cooling gas stream in the direction of flow, according to amended claims 1 and 4. The examiner respectfully disagrees. As understood from the instant disclosure (i.e., original claim 2), flow is designated 15, which is the flow of the gas stream. Clearly, WO '768 discloses a velocity of the cooling gas stream in the direction of flow of the gas stream (p. 3, lines 2-19; see figure), and the cooling stream is substantially transverse to the direction of travel of the filaments (i.e., p. 3, lines 3-8). Furthermore, note that applicant's own disclosure (p. 14, lines 1-4) discloses that the cooling stream is in a direction transverse to the direction of travel of the filaments.

Applicants argue that Haynes does not disclose the cooling gas stream being already turbulent at the exit from the blowing means and that thus hindsight must have been used by the examiner. The examiner respectfully disagrees. Nothing in the instant claims negates the blowing means (for producing a cooling gas stream) from including the bars of Haynes. Therefore, the cooling gas stream is turbulent at the exit of a blowing means including the bars. However, Hayes discloses that the cooling gas stream is turbulent at the exit of a blowing means including the bars AND at the exit of a blowing means without bars. While the flow upstream of the bars can be laminar,

Haynes discloses that the flow upstream of the bars can also be turbulent (i.e., col. 1, lines 6-67; col. 8, line 36, to col. 9, line 40; figs. 4A and 4B). In figs. 4A and 4B of Haynes, example 1 has NO turbulence enhancing structure (i.e., bars) and clearly still has turbulence. In any case, Haynes clearly teaches that a turbulent cooling gas flow would provide improved gas quenching, over laminar flow, by achieving better heat transfer between the filaments and gas, and by better penetration of the filament groups and bundles by the gas flow, so that the inner layers of filaments are more easily and quickly reached by the gas (col. 1, lines 40-67), and thus clearly provides motivation to make turbulent the cooling gas flow from a blowing means.

Applicants argue that WO '758 and Haynes, taken separately or combined, fail to teach or suggest a cooling gas stream having a Reynolds number of at least 2,500, or a width of not more than 2 mm of the cooling gas stream at the exit, let alone the combination of these features. The examiner respectfully disagrees. Haynes discloses a turbulent gas stream, and thus there is motivation to use gas streams having Reynolds numbers which are turbulent (which would include Reynolds numbers of at least 2,500). WO '758 discloses a width of preferably 3 to 10 mm (i.e., p. 2, lines 27-32), and thus there is suggestion that other widths may be used since 3 to 10 mm is only preferred. Note that the claimed width of 2 mm is especially close to the disclosed width of 3 mm.

Applicants argue, with respect to instant claim 1, that a cooling gas stream with such a low width occupies only a small area of the air gap; that, therefore, it interacts with a small section of the extruded bodies; that one of ordinary skill in the art would

reasonably expect that such a thin cooling gas stream would inadequately cool the extruded bodies; that, however, the inventors discovered that the extruded bodies are cooled down sufficiently, as the combination of this cooling gas stream with the high Reynolds' number of at least 2500 results in a cooling gas stream in a turbulent flow state; that, due to the turbulent flow state, the gas stream circulates around the extruded bodies and absorbs the heat from the extruded bodies efficiently; that, moreover, inventors surprisingly found that due to the turbulent nature of the cooling gas stream, even bodies averted from the exit of the cooling gas stream are cooled sufficiently; and that as noted in Applicants specification: "one would have expected in the case of a blowing process performed with a turbulent cooling gas stream at a high velocity that due to the high velocities the spun filaments would be blown off and would thus stick together. Surprisingly, however, it has been found that the spun filaments are not impaired, but quite to the contrary the gas demand can be reduced drastically when small turbulent gas streams are used, and the risk of sticking is very small.", page 6, last paragraph. However, such arguments are not commensurate in scope with the instant claims. Instant claim 1 only recites a width of 2 mm, which does not provide limitations to the cooling gas stream occupying only a small area of the air gap, to a thin cooling gas stream or small turbulent gas streams because there are no limitations to the size of the air gap which would define a width of 2 mm as small or thin. Furthermore, Haynes discloses that the amount of turbulence should be chosen so as not to impair the spun filaments, as mentioned above.

Applicants argue, with respect to claim 4, that neither WO '758 or Haynes teaches or suggests a cooling gas stream of 30 m/s. The examiner respectfully disagrees. While Haynes discloses a cooling gas stream of generally 50-500 feet per minute, WO '758 discloses (p. 3, lines 8-10) a cooling gas stream of preferably 20 m/s, and thus there is suggestion that other velocities may be used since 20 m/s is only preferred. Note that the claimed velocity of 30 m/s is close to the disclosed velocity of 20 m/s. Applicants argue that the Office action's assertion that "routine optimization" would lead one of skill in the art to the claimed velocity is without rational basis or reasoning in view of the explicit teachings of Haynes, and that these teachings include a focus on cooling gas streams of conventional flow velocity. The examiner respectfully disagrees. While Haynes may focus of conventional flow velocity of 50-500 feet per minute, such definition of conventional is dependent upon the processing conditions of Haynes including materials used (col. 7, lines 33-54). Furthermore, there is NO disclosure by Haynes that ONLY conventional flow velocities can be used. Even the preferable velocity of 20 m/s of WO '758, mentioned above, is dependent upon processing conditions including materials used (p. 2, lines 4-14). As mentioned above, WO 96/21758 discloses that suitable velocities can be determined in any particular case by simple trial (p. 3, lines 2-19). Clearly, WO '758 discloses that other velocities could be found by routine experimentation in any particular case (i.e., for a given set of processing conditions).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the paragraph bridging pages 11 and 12 of the remarks filed on May 29, 2009) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue that instant claim 4 recites a Reynolds number of at least 2,500, a velocity of 30 m/s and extrusion orifices having a temperature of up to 102°C; that a skilled person would expect that a cooling gas stream with such a high velocity would blow off the extruded bodies, which would subsequently stick together; that the inventors discovered that to avoid the bodies being blown off, a Reynolds' number of at least 2,500 could be used, resulting in a cooling gas steam with a turbulent flow state; that this cooling gas stream with a turbulent flow state was found, in contrast to gas stream with a laminar flow state, not blow off the bodies, even if the gas flows at a high velocity; that, rather, the gas was found to circulate around each extruded body, not forcing it into one single direction; that, consequently, the extruded bodies are not brought in contact with each other and cannot stick together; that the combination of high velocity and turbulence would not have been obvious to one of skill in the art, as one of skill in the art would reasonably expect this combination to be detrimental to the extruded bodies; and that, as set forth in the specification, and noted above "one would have expected in the case of a blowing process performed with a turbulent cooling gas stream at a high velocity that due to the high velocities the spun filaments would be blown off and would thus stick together. Surprisingly, however, it has been found that the spun filaments are not impaired", page 6, last paragraph. The examiner respectfully

disagrees. As mentioned above, the prior art discloses that the velocities and turbulence are chosen so as NOT to impair the spinning process.

Applicants argue that the inventors found that maintaining the recited temperature at the extrusion orifices maintained a relatively high viscosity of the extruded bodies, and that extruded bodies with the high viscosity were more rigid and were more resistant to being blown off. However, such arguments are not commensurate in scope to the instant apparatus claims. The relatively high viscosity of the extrusion material is NOT a claim limitation and is only an intended use of the claimed apparatus. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987); see MPEP 2114. "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." Ex parte Thibault, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." In re Young, 75 F.2d *>996<, 25 USPQ 69 (CCPA 1935) (as restated in In re Otto, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)). See MPEP 2115.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH LEYSON whose telephone number is (571)272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert B. Davis/
Primary Examiner, Art Unit 1791

/J. L./
Examiner, Art Unit 1791